

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CURTIS LEE ERVIN,

Petitioner,

v.

RON DAVIS, Acting Warden,  
California State Prison at San Quentin,

Respondent.

CASE NO. CV 00-1228 LHK

**DEATH PENALTY CASE**

ORDER

This case was transferred from Judge Wilken to the undersigned Judge on January 7, 2015. Respondent's motion for summary judgment, (ECF Doc. No. 213), and petitioner's opposition and cross-motion for evidentiary hearing, (ECF Doc. No. 249), are pending before the Court. The parties' briefs address both the guilt and penalty phase claims of petitioner's petition.

In light of the appeal pending in *Jones v. Chappell*, 31 F. Supp. 3d 1050 (C.D. Cal. July 16, 2014) (holding that inordinate delay in California's death penalty system violates Eighth Amendment's prohibition against cruel and unusual punishment), the Court shall defer ruling on petitioner's penalty phase claims until after the *Jones* appeal is resolved.

**IT IS SO ORDERED.**

DATED: March 16, 2015

  
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LUCY H. KOH  
UNITED STATES DISTRICT COURT